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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,090	12/29/2000	John S. Maresca	YOR920000559US1/I27-0004	4024

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EXAMINER

ZHEN, WEI Y

ART UNIT PAPER NUMBER

2122

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,090

Applicant(s)

MARESCA ET AL.

Examiner

Wei Y Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the RCE filed on 9/13/2004.
2. Claims 1-43 are cancelled.
3. Claims 44-76 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al, U.S. Patent No. 5,765,138 in view of Gervais et al, U.S. Patent No. 6,381,579.

As per claim 44, Aycock et al discloses

qualifying suppliers, parts and technologies in a collaborative network environment (col. 3 lines 45-52 and col. 7 lines 1-16) said qualifying suppliers, parts and technologies including acquiring supplier capabilities, part data and supplier technology data from at least one collaborative source (col. 3 lines 45-52 and col. 7 lines 1-16), said collaborative source including a supplier, a manufacturing representative, and electronic catalog (col. 1 lines 21-30 and col. 2 lines 56 to col. 3 line 22)

storing acquiring data in a data repository (col. 3 lines 45-52), said acquiring data accessible to affected collaborative source, and performing quality management functions, said quality management functions including accessing quality metrics provided by a supplier (col. 3 lines 45-55 and col. 7 lines 1-16).

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Aycock does not explicitly disclose web based user interface, and shared data repository.

However, Gervais et al disclose providing web based user interface, and shared data repository for manufactures and suppliers or other business partners in a collaborative environment (col. 1 lines 54 to col. 2 line 15 and Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Gervais et al into the system of Aycock to provide providing web based user interface, and shared data repository for manufactures and suppliers or other business partners in a collaborative environment because one would want to enhance the ability of a business enterprises to organize access and sharing of information and application.

As per claim 45, the rejection of claim 44 is incorporated and further Aycock et al disclose recommending at least supplier based on a purchasing entity's requirement (col. 3 lines 35-60).

As per claim 46, the rejection of claim 45 is incorporated and further Aycock et al discloses analyzing said acquiring data in light of recommendations, selecting a supplier based upon results of said analyzing and providing supplier selection information and notification to affected collaborative resource as claimed (col. 3 lines 35-60, col. 11 lines 10-50).

As per claim 47, the rejection of claim 44 is incorporated and further the combination of Aycock et al and Gervais disclose auditing a supplier and submitting results of said auditing to said data repository (Aycock, col. 3 lines 35-60), said results accessible to affected collaborative source via said web-based user interface (Gervais, Fig. 1 and col. 1 lines 55-67).

As per claim 48, the rejection of claim 44 is incorporated and further Aycock discloses

placing a technology survey on a network, said technology survey accessible to at least one supplier and said technology survey associated with an engineering organization related to a technology being surveyed (Fig. 2 and col. 9 lines 3-35) and accessing a completed technology survey via said user interface by said engineering organization and analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing (Fig. 2 and col. 9 lines 3-35 and col. 3 lines 35-60).

Aycock does not explicitly disclose web and web-based user interface as claimed.

However, Gervais et al disclose providing web based user interface, and shared data repository for manufactures and suppliers or other business partners in a collaborative environment (col. 1 lines 54 to col. 2 line 15 and Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Gervais et al into the system of Aycock to provide providing web based user interface for manufactures and suppliers or other business partners in a collaborative environment because one would want to enhance the ability of a business enterprises to organize access and sharing of information and application.

As per claim 49, the rejection of claim 44 is incorporated and further the combination of Aycock et al and Gervais et al discloses accessing part qualification data (Aycock et al, Fig. 2 and col. 9 lines 3-35 and col. 3 lines 35-60) via said web based user interface (Gervais, col. 1 lines 54 to col. 2 line 15 and Fig. 1), analyzing said part qualification data and qualifying said parts passed upon results of said analyzing (Aycock et al, Fig. 2 and col. 9 lines 3-35 and col. 3 lines 35-60).

As per claims 50, 51 the combination of Aycock and Gervais discloses

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submitting data to said shared data repository by a supplier, said data accessible to collaborative source affected by said data (Aycock et al, Fig. 2 and col. 9 lines 3-35 and col. col. 3 lines 35-60) via said web-based user interface (Gervais, col. 1 lines 54 to col. 2 line 15 and Fig. 1).

accessing said data, analyzing said data and determining whether to accept said data based upon said analyzing (Aycock et al, Fig. 2 and col. 9 lines 3-35 and col. col. 3 lines 35-60).

Aycock and Gervais does not disclose the data is proposed change. However, official notice is taken that proposed change including short term process change by supplier was well known in the art at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of the well known knowledge into the teaching of Aycock and Gervais to have the data be proposed change including short term process change because one would want to enhance the ability of a business enterprises to organize access and sharing of information and application and to facilities the management of supplier qualification.

As per claim 52, the rejection of claim 44 is incorporated and further Aycock et al disclose identifying potential problems relating to a supplier, altering affected collaborative sources of potential problems, notifying management, and collaborative with said supplier associated with said potential problems for determining a resolution and generating a problem reports (col 9 line 20 to col. 13 line 12 and col. 8 lines 1-37).

As per claim 53, the rejection of claim 52 is incorporated and further Aycock et al disclose problem reports are categorized as claimed (col 9 line 20 to col. 13 line 12 and col. 8 lines 1-37).

As per claim 54, the rejection of claim 47 is incorporated and further Aycock discloses said result of auditing as claimed (Fig. 1).

Claims 55-65 are systems claims corresponding to method claims 44-54 respectively and are rejected for the reasons set forth in the rejections of claims 44-54 respectively.

Claims 66-76 are storage medium claims corresponding to method claims 44-54 respectively and are rejected for the reasons set forth in the rejections of claims 44-54 respectively.

Response to Arguments

5. Applicant's arguments with respect to claims 44-76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

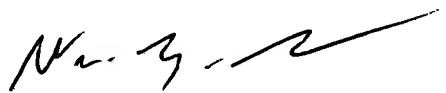
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (571) 272-3708. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WZ
1/24/2005



WEI Y. ZHEN
PRIMARY EXAMINER